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Note by the Secretary-General concerning the date of an election to fill a vacancy in the International Court of Justice

1. By a letter dated 29 April 2010, Judge Thomas Buergenthal informed the President of the Court, pursuant to Article 13, paragraph 4, of the Statute of the Court, of his resignation as a member of the Court, effective 6 September 2010. A certified copy of that letter was forwarded to the Secretary-General by the President of the Court under the cover of a letter dated 3 May 2010. A vacancy in the Court will therefore occur on 6 September 2010.

2. Judge Thomas Buergenthal was elected a member of the Court from 2 March 2000 and was re-elected from 6 February 2006 for a term of office that will end on 5 February 2015.

3. Article 14 of the Statute of the Court provides that:

> "Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

4. Article 5, paragraph 1, of the Statute provides:

> "At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court."

5. In view of the fact that the date of the election is to be fixed by the Security Council, the Council may wish to consider this question at an early meeting and take into consideration that the Secretary-General's communication must be dispatched within one month of the occurrence of the vacancy and at least three months before the date of the election. The Secretary-General expects to invite nominations for the vacancy by communications immediately after the Security Council has set the date of the election.

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